

HOUSE BILL REPORT

HB 1213

As Reported by House Committee On:
Natural Resources, Ecology & Parks

Title: An act relating to hunting safety for children.

Brief Description: Concerning hunting safety for children.

Sponsors: Representatives Clements, Uptegrove, Eickmeyer, Buck, Armstrong and Ormsby.

Brief History:

Committee Activity:

Natural Resources, Ecology & Parks: 2/3/05, 2/22/05 [DPS].

Brief Summary of Substitute Bill

- Directs hunter education instructors to give enrollment priority to students over 10 years of age.
- Amends the exemption to the crime of unlawful possession of a firearm that allows minors to be in possession of a firearm as long as they have a hunting license so that hunters aged 14-years old or younger must be within the unassisted hearing distance of a parent, guardian, or other approved adult.

HOUSE COMMITTEE ON NATURAL RESOURCES, ECOLOGY & PARKS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives B. Sullivan, Chair; Uptegrove, Vice Chair; Buck, Ranking Minority Member; Blake, DeBolt, Dickerson and Williams.

Minority Report: Do not pass. Signed by 3 members: Representatives Kretz, Assistant Ranking Minority Member; Eickmeyer and Orcutt.

Staff: Jason Callahan (786-7117).

Background:

Hunting licenses

A recreational license issued by the director of the Department of Fish and Wildlife (Department) is required for any person seeking to hunt recreationally for wild animals in Washington. There is no minimum age requirement that must be satisfied in order to apply for a hunting license.

Hunter education

Prior to being issued a hunting license, individuals born after January 1, 1972, must present the director of the Department with a certification proving that the individual has completed a 10-hour course in the safe handling of firearms, safety, conservation, and sportsmanship.

The director of the Department is authorized to establish a training program, including the prescription of the type of instruction that must be provided, along with the qualification requirements for the instructors. The director of the Department is also authorized to accept certificates from other states with similar course requirements.

Hunter education courses focus on three broad areas: firearms and outdoor safety, wildlife management, and hunter responsibility. Average classes involve four to six sessions and require the student to pass a written test and demonstrate firearms handling skills. The Department offers both a live course option and a home study option. Live courses are scheduled throughout the state.

Exemptions from the unlawful possession of a firearm crime

The unlawful possession of a firearm in the second degree is a criminal violation in Washington that is punishable as a felony. There are a number of actions that can lead to a conviction under this crime, such as possessing a firearm after being convicted of certain other crimes, having been involuntarily committed for mental health treatment, or being free on bail pending trial. A person can also be prosecuted for the unlawful possession of a firearm in the second degree if the person possesses a firearm and is under the age of 18.

There are, however, instances where a person under the age of 18 can be in possession of a firearm without committing the crime of unlawful possession of a firearm. These include when the minor is on his or her own property, target shooting at an established range, or engaging in an organized competition. Minors of any age are also permitted to carry a firearm when they are hunting or in attendance at a hunter's safety course. Minors aged 14 or older may lawfully possess a firearm if they are in possession of a hunter safety certificate, in an area where discharging a firearm is lawful, and under supervision of an approved adult.

Summary of Substitute Bill:

The instructors of hunter education classes are directed to give enrollment priority to students over 10 years of age.

Hunters aged 14-years old or younger must be within the unassisted hearing distance of a parent, guardian, or other approved adult in order to qualify for the exemption to the crime of unlawful possession of a firearm that allows minors to be in possession of a firearm as long as they have a hunting license.

Substitute Bill Compared to Original Bill:

The original bill established 10 years of age as a minimum age requirement for hunting big and small game.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (In support of original bill) The issue of a minimum age to take the hunters education program has been discussed over a number of years. Most class participants are over 10 now, and the average age is increasing. Class participants under 10 show a higher failure rate. Age 10 is a good start, but even older would be better. Younger students are not physically or mentally capable of taking the course or fully appreciating the responsibilities of carrying a loaded rifle. There is a safety issue involved when kids have guns and minimum age requirements are just common sense. This does not prevent kids from going along on hunts with adults, just from actually shooting the gun. It also does not prohibit a child from using a gun on his or her own property or from taking other firearm safety classes.

There are only about 150 seats a year in most hunter education programs, and many more apply to participate. This means that some adults can not take the course because the seats are filled by children that are more likely to drop out or fail.

The language related to the unlawful possession of a firearm reinstates language that was in the code for decades before a revision of that chapter.

Testimony Against: None.

Persons Testifying: (In support of original bill) Representative Clements, prime sponsor; Larry Lufkin, Capitol City Rifle and Pistol Club Teaching Team; Bruce Bjork, Washington Department of Fish and Wildlife; Jim Walkerhauer; John Walkerhauer; and William E. Goodpaster.

Persons Signed In To Testify But Not Testifying: None.